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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10
11 MGM MIRAGE , a Delaware corporation,
12 Plaintiff,

13 v.

14 DAN LEI, an individual; WANG XIAOLING,
15 an individual; XIAO FANG, an individual;
SHANG LEI, an individual; YE XIAO, an
individual; and HUAI YI, an individual,

16 Defendants.

17 CASE NO. 2:10-cv-00074-KJD-RJJ

18
19 **DEFAULT JUDGMENT AND**
PERMANENT INJUNCTION

20 Plaintiff MGM MIRAGE, having filed an application for entry of default judgment against
21 Defendants Dan Lei, Wang Xiaoling, Xiao Fang, Shang Lei, Ye Xiao and Huai Yi pursuant to
22 Rule 55 of the Federal Rules of Civil Procedure, the Clerk of the Court having entered Default
against Defendants on November 9, 2010, and, this Court having now given due consideration to
23 Plaintiff's application for such judgment as well as all papers, pleadings, and exhibits offered in
support thereof by Plaintiff, the Court being further fully advised in the matter, it is therefore,

24 ORDERED, ADJUDGED and DECREED that Judgment be entered in favor of Plaintiff
25 MGM MIRAGE and against Dan Lei, Wang Xiaoling, Xiao Fang, Shang Lei, Ye Xiao and Huai
26 Yi on all counts of Plaintiff's Complaint; and, it is further ordered and adjudged that said
27 Judgment shall include the following specific findings of fact and awarding of specific relief:

28 ///

1 Plaintiff is the owner of certain MGM and MGM GRAND Marks, which include the
 2 Walking Lion logo (Registration No. 2,510,431) for casino services, MGM GRAND (and design)
 3 (Registration No. 1,906,198) for hotel and casino services, and MGM (Registration No.
 4 2,534,227) for casino services (collectively, the “MGM and MGM GRAND Marks”);

5 Plaintiff has the exclusive right to use the MGM and MGM GRAND Marks in connection
 6 with resort hotel casino services;

7 Defendants registered and used the <betmgm.net>, <betmgm88.com>, <bet-mgm.net>,
 8 <betmgm96.com>, <28818.net>, <bet-mgm.com>, and <888mgm.com> domain names with a bad
 9 faith intent to profit therefrom;

10 Defendants linked the <betmgm.net>, <betmgm88.com>, <bet-mgm.net>,
 11 <betmgm96.com>, <28818.net>, <bet-mgm.com>, and <888mgm.com> domain names to online
 12 sports book and casino website that also incorporated and misappropriated the MGM and MGM
 13 GRAND Marks;

14 Plaintiff and Defendants are competitors on the World Wide Web;

15 Defendants’ use of the MGM and MGM GRAND Marks in domain names and on online
 16 sports book and casino websites is likely to cause confusion as to the source and origin of
 17 Defendants’ services;

18 Defendants’ use of the MGM and MGM GRAND Marks in domain names and on online
 19 sports book and casino websites is likely to dilute the distinctive value of the Marks through
 20 blurring and tarnishment;

21 Defendants’ use of the MGM and MGM GRAND Marks was intended to disrupt
 22 Plaintiff’s prospective economic advantage and divert consumers from Plaintiff’s websites to
 23 Defendants’;

24 Should Defendants’ use of marks identical or confusingly similar to the MGM and MGM
 25 GRAND Marks continue, Plaintiff will continue to suffer irreparable injury to the goodwill and
 26 reputation it has established in the MGM and MGM GRAND Marks for which an award of
 27 damages would be inadequate;

28 / / /

1 Defendants have acted willfully in their infringement of the MGM and MGM GRAND
2 Marks; and

3 Defendants are liable for their infringement, dilution, unfair competition, cybersquatting,
4 deceptive trade practices and intentional interference with prospective economic advantage.

5 THEREFORE, IT IS HEREBY ORDERED that Defendants Dan Lei, Wang Xiaoling,
6 Xiao Fang, Shang Lei, Ye Xiao and Huai Yi, and their agents, servants, employees and/or all
7 persons acting in concert or participation with Defendants are hereby permanently enjoined from
8 (1) making any use of Plaintiff's MGM and MGM GRAND Marks or confusingly similar
9 variations thereof, alone or in combination with any other letters, words, letter strings, phrases or
10 designs, in commerce or in connection with any business or for any purpose whatsoever
11 (including, but not limited to, on websites, in domain names, in hidden text and metatags), and
12 from (2) registering or trafficking in any domain names containing Plaintiff's MGM and MGM
13 GRAND Marks or confusingly similar variations thereof, alone or in combination with any other
14 letters, words, letter strings, phrases or designs; and it is further

15 ORDERED that Defendants Dan Lei, Wang Xiaoling, Xiao Fang, Shang Lei, Ye Xiao and
16 Huai Yi , and their agents, servants, employees and/or all persons acting in concert or participation
17 with Defendants are permanently enjoined from using the <betmgm.net>, <betmgm88.com>,
18 <bet-mgm.net>, <betmgm96.com>, <28818.net>, <bet-mgm.com>, and <888mgm.com> domain
19 names or any other variation of the MGM and MGM GRAND Marks used in any letter string in
20 any domain name; and it is further

21 ORDERED that the registration for <betmgm.net>, <betmgm88.com>, <bet-mgm.net>,
22 <betmgm96.com>, <28818.net>, <bet-mgm.com>, and <888mgm.com> domain names be
23 forfeited and permanently transferred to Plaintiff MGM MIRAGE.; and it is further

24 ORDERED that the current registrar and/or the ".com" registry shall effectuate the domain
25 name transfer, permanently transferring the registration on the <betmgm.net>, <betmgm88.com>,
26 <bet-mgm.net>, <betmgm96.com>, <28818.net>, <bet-mgm.com>, and <888mgm.com> domain
27 names to Plaintiff MGM MIRAGE; and it is further

28 / / /

1 ORDERED that Defendants pay Plaintiff nominal damages for corrective advertising of
2 \$1,000.00; and it is further

3 ORDERED that Defendants pay Plaintiff statutory damages of \$600,000.00, which is
4 \$100,000.00 for each infringing domain name; and it is further

5 ORDERED that Defendants pay Plaintiff's attorneys' fees and costs in the amount of
6 \$32,626.97; and it is further

7 ORDERED that the Clerk shall exonerate Plaintiff's \$100.00 bond submitted to this Court
8 on January 25, 2010 and return said amount to Plaintiff's counsel ; and it is further

9 ORDERED that jurisdiction of this case shall be retained by this Court for the purpose of
10 enforcing this Judgment.

11 IT IS SO ORDERED:



12
13 The Honorable Kent J. Dawson
14 UNITED STATES DISTRICT JUDGE

15 DATED: 12/13/2010